

REMARKS

Claims 1, 8, 15, 19, 27 and 28 are amended, no claims are canceled or added; as a result, claims 1-28 remain now pending in this application.

Applicant incorporates all prior arguments supporting patentability by reference to preserve issues for appeal.

Drawing Amendment

Applicant requests clarification as to the status of the prior drawing amendment. The Office Action does not indicate if the proposed drawing correction was approved.

Reservation of the Right to Swear Behind References

Applicant maintains its right to swear behind any references which are cited in a rejection under 35 U.S.C. §§102(a), 102(e), 103/102(a), and 103/102(e). Statements distinguishing the claimed subject matter over the cited references are not to be interpreted as admissions that the references are prior art.

§103 Rejection of the Claims

Claims 1, 4-6, 8-25, and 27-28 were rejected under 35 USC § 103(a) as being unpatentable over Schmidt (U.S. 6,278,481) in view of Zhou et al. (U.S. 5,909,026). Applicant respectfully traverses.

Claim 1, in part, now recites “a patterned conductive layer adapted to electrically interconnect areas of the monolithic substrate, the patterned conductive layer including: a level of protective material fabricated over the array of non-volatile memory cells for blocking the light received by the CMOS image sensor so that the trapped charged is not erased from exposure to the light.” Applicant can not find this feature in Schmidt or Zhou, either alone or in combination. Accordingly, applicant submits that claim 1 and claims 2-7 depending therefrom are allowable. Reconsideration and allowance are requested.

Claims 8-25 are believed to be allowable for substantially similar reasons as stated above with regard to claim 1. Reconsideration and allowance are requested.

Claim 27, in part, now recites “fabricating a light blocking and patterned electrically conductive layer over the array of non-volatile memory cells. . .” Applicant can not find this feature in Schmidt or Zhou, either alone or in combination. Accordingly, applicant submits that claim 27 and claim 28 depending therefrom are allowable. Reconsideration and allowance are requested.

Claim 2 was rejected under 35 USC § 103(a) as being unpatentable over Schmidt (U.S. 6,278,481) in view of Zhou et al. (U.S. 5,909,026) further in view of Komori et al. (U.S. 6,255,690). Claim 3 was rejected under 35 USC § 103(a) as being unpatentable over Schmidt (U.S. 6,278,481) in view of Zhou et al. (U.S. 5,909,026) further in view of Ross (U.S. 5,241,412). Applicant submits that claims 2 and 3 are allowable for at least substantially similar reasons as stated above with regard to claim 1. Specifically, applicant can not find the above recited feature in Komori or Ross. Reconsideration and allowance are requested.

Claims 7 and 26 were rejected under 35 USC § 103(a) as being unpatentable over Schmidt (U.S. 6,278,481) in view of Zhou et al. (U.S. 5,909,026) further in view of Kempainen (CMOS Image Sensors: ECLIPSING CCDs in Visual Information?, www.ednmag.com, October 9, 1997). Applicant respectfully traverses. Claims 7 and 26 depend from claims 1 and 19, respectively, and are believed allowable therewith. Reconsideration and allowance are requested.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney 612-349-9587 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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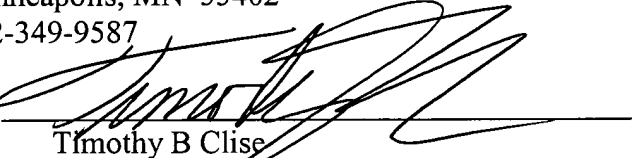
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Date

24 April 2003

By


Timothy B Clise
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Box AF, Commissioner of Patents, Washington, D.C. 20231, on this 24th day of April, 2003

Name

Amy Moriarty

Signature

